

1 McGREGOR W. SCOTT
2 United States Attorney
3 CHRISTOPHER D. BAKER
4 Assistant United States Attorney
5 2500 Tulare Street, Suite 4401
6 Fresno, CA 93721
7 Telephone: (559) 497-4000
8 Facsimile: (559) 497-4099

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11 Attorneys for Plaintiff
12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 JORGE CHAVEZ,

20 Defendant.

21 CASE NO. 1:20-CR-00182-NONE-SKO;
22 1:13-CR-00215-DAD-BAM

23 STIPULATION REGARDING EXCLUDABLE
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;
25 FINDINGS AND ORDER

26 DATE: January 6, 2021

27 TIME: 1:00 p.m.

28 COURT: Hon. Magistrate Judge Sheila K. Oberto

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30 STIPULATION

31 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
32 through defendant's counsel of record, hereby stipulate as follows:

33 1. By previous order, this matter was set for status on January 6, 2021.

34 2. By this stipulation, the parties now move to continue the status conference until March 3,
35 2021, or the Court's earliest convenience, and to exclude time between January 6, 2021, and March 3,
36 2021.

37 3. The parties agree and stipulate, and request that the Court find the following:

38 a) Initial discovery produced in this case consisted of approximately 206 pages of
39 materials and an additional media disc containing electronic data associated with a wiretap.

40 b) On December 22, 2020, the Court entered an order on the government's *ex parte*
41 application to disclose portions of certain orders authorizing the interception of wire and

1 electronic communications, the accompanying applications, affidavits, and recordings, relevant
2 to this case. CR 11. Consistent with this order, the government has prepared redacted copies of
3 relevant filings and associated discovery materials numbering approximately 270 pages and has
4 recently produced and made available for defense counsel's inspection and copying these
5 materials.

6 c) Counsel for defendant desires additional time to review this supplemental
7 discovery, consult with his client, conduct investigation and research related to the charges, and
8 to otherwise prepare for trial.

9 d) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 e) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of January 6, 2021 to March 3, 2021,
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results
18 from a continuance granted by the Court request on the basis of the Court's finding that the ends
19 of justice served by taking such action outweigh the best interest of the public and the defendant
20 in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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6 Dated: December 30, 2020

7 McGREGOR W. SCOTT
United States Attorney

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9 /s/ CHRISTOPHER D. BAKER
10 CHRISTOPHER D. BAKER
11 Assistant United States Attorney

12 Dated: December 30, 2020

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14 /s/ RICHARD BESHWATE
15 RICHARD BESHWATE
16 Counsel for Defendant
17 Jorge Chavez

18 **FINDINGS AND ORDER**

19 IT IS SO ORDERED.

20 Dated: January 4, 2021

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22 /s/ *Sheila K. Oberto*
23 UNITED STATES MAGISTRATE JUDGE